

Commission on Human Rights and Opportunities

999 Asylum Street

Hartford, CT 06106

January 9, 2013

Dear Commissioners:

This complaint is being registered with the Commission on Human Rights and opportunities Hartford.

This complaint is being issued against the Capitol Police Chief, Mr. Walter Lee, Capitol Police Lieutenant Keith Zengel and Executive Director of the Office of Legislative Management James Tracy.

This complaint alleges violations of federal law 42 U.S.C. Section 1983, Section 1985 (3),¹ Section 1986 and the 14th Amendment of the Constitution of the United States.

This complaint alleges the Capitol Police Chief Walter Lee has used an authority he does not possess to obstruct the rights of the complainant, Michael Nowacki, from entering the front door of the Legislative Office building on the date of January 9, 2013 in order to discriminate against the complainant with the sole basis of his actions designed to "humiliate" and "publicly embarrass" the complainant's rightful access to enter the front door of the Legislative Office Building.

This conduct of Police Chief Walter Lee is alleged to be "discriminatory" and "retaliatory" for the decision of the Office of State Attorney to not prosecute the complainant on the basis of the "dubious" authority asserted by the Capitol Police to arrest the complainant for exceeding the three minute time limit guideline for addressing the judiciary committee of the legislature claiming a violation of C.G.S. 2-1d.

This dubious "probable cause" arrest of the complainant occurred on February 22, 2012 and was not grounded on a signed application for an arrest warrant.

The arrest of the complainant was the first in the history of the legislature concerning the application of C.G.S. 2-1d, Interference with the General Assembly.

On February 22, 2012, the complainant addressed the judiciary committee of the legislature, at the confirmation hearing of Attorney Maureen Murphy, which was not a properly noticed hearing consistent with the guidelines of the Legislative Management

Committee that requires a properly posted agenda 24 hours before convening a public hearing.

The speaker who preceded the complainant at the legislative judiciary hearing, Ada Shaw spoke for a total of over 19 minutes with questions and answers from the judiciary committee. The speaker who spoke after the complainant, investigative reporter Keith Harmon Snow, spoke in excess of six and a half minutes including questions and answers.

The complainant spoke slightly over 5 minutes and was arrested.

The First Amendment of the Constitution fully supports that a citizen has the right to air his grievances to his government.

However, when the legislative judiciary committee doesn't agree with the content of a message, which contained no profanities, raised voice or disruptive conduct, the Capitol Police arrested the complainant.

On the date of January 8, 2013, with full awareness of the allegations that Mr. Lee was engaging in abridgments to the fundamental rights to the presumption of innocence in a regards to the allegedly "unlawful" arrest of this complainant by the Capitol Police Chief on February 22, 2012, Chief Lee has refused the complainant's reasonable request to enter through any other entrance to the Legislative Office Building except through the entrance where "garbage" exits the building on the date of January 9, 2013.

Today is the first day of the General Assembly convenes for the 2013 legislative session. The complainant made a reasonable and courteous request to enter the Legislative Office Building to deliver letters to the members of the General Assembly concerning their statutory responsibility to conduct hearings open to the public concerning the adoption and promulgation of mandates C.G.S. 51-14 (a) and (b).

Mr. Lee received a request on January 8, 2013 by email (attached) to provide access to the Legislative Office Building on the date of January 9, 2013 to deliver envelopes to the mailing room of the Legislative Office Building.

On December 6, 2012, the State of Connecticut's Attorney's Office agreed that the State of Connecticut did not intend to prosecute the dubious "probable cause" arrest of the complainant, and that the charges were to be nolleed on May 31, 2013.

Mr. Lee was provided two opportunities (see attach emails) to reverse his discriminatory position based upon my race and economic status as a resident in the Town of New Canaan and is engaging in conduct which is clearly intended to "humiliate" and "publicly embarrass" the complainant by only accepting entrance to the legislative office building in the "docking station" where garbage exits the building.

There are no provisions in the public documents available on the website of the Capitol Police which suggests that all citizens who have "business" with the Capitol Police are required to enter through the "docking station" entrance.

There is nothing in the release provisions which suggested that the "entrance by appointment" to the Legislative Office Building would mandate the use of the "docking station" entrance.

My attorney, (John R. Williams Esq.) was copied on the request sent by the complainant via email to Capitol Police Chief Walter Lee to enter the building through the front entrance and be escorted to the mail room.

When Mr. Lee responded to that request that he provide access to the building in a manner consistent with every other citizen in the State of Connecticut, Chief Lee provided an answer which suggested that those who have "business" with the SCPD use that entrance.

The terms of my release on the date of February 22, 2012, without bail, indicated that it was only necessary for me to make an appointment for a meeting and carried no references whatsoever that my access to the Legislative Office Building was limited to entry and exit next to the "garbage" loading dock.

Chief Lee refusal to grant the complainant's reasonable request to enter the Legislative Office Building in a manner consistent with every other taxpayer in the State of Connecticut is alleged to be discrimination and a denial of fundamental due process rights to the presumption of innocence.

The First Amendment of the Constitution indicates a citizen has a right to air their grievances to their government. My request to enter the Legislative Office Building by appointment to hand delivery of letters to the 187 members of the legislative office building on the first day of the 2013 legislative session, is the same request which was made one year ago and granted to the complainant on the first day of the legislative session on February 8, 2012.

The complainant was granted the ability to deliver the letters on February 8, 2012 and required no special permissions or entrance to the Legislative Office Building.

Chief Lee was asked to provide proof that the terms of my release on February 22, 2012 on the basis on which he is requiring the complainant to use of the "loading dock" entrance where garbage exits the building.

Chief Lee could not produce any document which stated the terms of my release required the exit through the "garbage" portal of the building because no such document

exists which requires the complainant to enter through the door on the loading dock adjacent to "garbage" exit. This entrance is not ADA compliant.

Chief Lee is engaging in "retaliatory" conduct which is intended to "humiliate" and "publicly embarrass" the complainant and represents an alleged abridgment of the complainant's human rights of dignity and equality.

There is no more effort required of the Capitol Police to escort the complainant to the mail room from the front entrance of the Legislative Office Building than the entrance which Capitol Police Chief Lee has required me to enter since February 22, 2012.

Chief Lee has every right to escort me to the mail room if he so desires from the front entrance of the building like every other citizen who wishes to deliver letters to elected public officials.

When the complainant goes to court, which is a public building governed by marshals, he is not required to enter the building in any other manner than the any other citizen—through the front door.

The complainant is not required to use separate public bathroom facilities when he has entered the Legislative Office Building since February 22, 2012.

However, the exertion of this authority by Chief Lee to dictate the entrance and exit of the complainant to the Legislative Office Building through the door next to the "garbage" loading dock is designed to "humiliate" and "publicly embarrass" the complainant as a taxpayer of the State of Connecticut and entitled to all of the privileges associated with the payment of taxes in the State of Connecticut.

Therefore, I am asking that the Commission on Human Rights and Opportunities issue an immediate order that Mr. Lee cease and desist in this discriminatory conduct as a public employee.

The Commission on Human Rights and Opportunities provide orders that Chief Lee provide access to the "front door" of the Legislative Office Building consistent with the rights and opportunities of all those who may enter the building clothed with the "presumption of innocence."

The alleged discriminatory conduct of Chief Lee and unlawful assertion of authority is designed for one purpose: to "humiliate" and "publicly embarrass" the complainant.

The complainant refuses to be subjected to such "perp walks" through the Legislative Office Building's "garbage" entrance.

On December 6, 2012, the Office of State Attorney agreed that the State of Connecticut would not be prosecuting these allegations set forth on February 22, 2012.

Noted constitutional and civil rights advocate, Attorney John R. Williams Esq. was retained to represent me in my defense for my unlawful arrest on February 22, 2012.

However, the State of Connecticut has recognized that the prosecution of this case is not based upon supportable facts and an agreement was reached to nolle the charges on May 31, 2013 relating to a "dubious" and unsupportable "probable cause arrest warrant which was issued by the Capitol Police on February 22, 2012.

Notwithstanding, the "cloak of innocence" which is fundamental to the American system of jurisprudence, the Chief of Police of the Capitol Police, Chief Walter Lee continues to exercise an undefined legal authority to treat this citizen in a disparate manner, which is alleged to be an act of discrimination and an abridgment of fundamental First Amendment rights to peaceful assembly.

Therefore, the Commission on Human Rights and Opportunities has been asked to consider this request for a public hearing on this matter to be one of great urgency, as stated herein.

In addition to the complaint which indicates that Chief Lee has refused to remove these "discriminatory shackles" designed to "humiliate" and "publicly embarrass the complainant" he has now enlisted the support of Lieutenant Keith Zengel and the Executive Director of the Office of Legislative Management Mr. James Tracy to implement this plan.

Chief Lee was not in the office today, January 9, 2013 at the times relevant to the response timetable provided to Chief Lee to avoid the filing of this complaint.

Therefore, the complaint is being filed with the Commission on Human Rights and Opportunities alleging Police Chief Walter Lee, Lieutenant Keith Zengel and The Executive Director of the Office of Legislative Management, Mr. James Tracy have neglected to properly respect the rights and privileges of this citizen pursuant to the application of 42 U.S.C. Section 1983, 42 U.S.C. Section 1985 (3), 42 U.S.C. Section 1986.

Please address this matter and conduct the proper public hearing to address my deprivations and access to proper civil and constitutional rights.

Cordially,

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cc: Attorney John R. Williams

James Tracy, Executive Director, Office of Legislative Management

Enclosures